

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

January 19, 2012

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2),
Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

Absent: **Councilor George Rabideau (W3)**

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on January 12, 2012 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Tiffer
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending January 18, 2012 in the amount of \$ 249,137.44 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Calnon
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of January 12 – January 18, 2012
- Report from the Building Inspector's Office from January 4 – January 17, 2012
- Statement of cash receipts from the Library from December 23 – December 31, 2011
- Report of Public Hearing held by the Zoning Board of Appeals on January 17, 2012

RESOLVED: That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Case
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)

4. **CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None**

5. **AUDIT OF CLAIMS:**

RESOLVED: That the bills Audited by the Common Council in the amount of \$ 468,603.79 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Case
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)

6. **PERSONS ADDRESSING COUNCIL:**

Mike Kelly 28 Johnson Avenue spoke about corporate personhood. He feels anything that happens on the national level, state level, county level, and local level affect him and hopes the Councilors in the spirit of helping him, the citizen, would keep that in mind. And act on things when they're "national" because those "national" things are also local. They can't help but be.

Jennifer Colver 35 Hamilton Street read and submitted statement.

Bill Provost 90 Court Street read and submitted statement.

7. **OTHER ITEMS:**

A. RESOLVED: In accordance with the request therefore the Common Council approves MLD to write-off unpaid final bills from December 1, 2010 to December 31, 2010 in the total amount of \$1,801.36. The percentage of write-offs for this period is .11%.

By Councilor Jackson; Seconded by Councilor Calnon
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves MLD to advertise for sealed bid for PMLD BID NO. 2012-01-01 "St. Lawrence 1 and St. Lawrence 2 upgrades (phase 1)." Bid Opening Date: February 28, 2012 at 2:00 pm.

By Councilor Jackson; Seconded by Councilor Case
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves Change Order #2 to PMLD #2011-7-1 "115kV Relay Testing" in the total amount of \$11,000.

By Councilor Jackson; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. THE MAYOR HANDS DOWN THE PERMANENT APPOINTMENT OF BOBBY DONAHUE JR TO THE POSITION OF FIRE FIGHTER EFFECTIVE JANUARY 23, 2012 PENDING THE SUCCESSFUL COMPLETION OF A ONE YEAR PROBATIONARY PERIOD.

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. INTRODUCTION OF LOCAL LAW P-1 OF 2012:

Amending in its entirety City Code § Section **257-15 C** and setting water service rates and enacting regulations for levy and collection of water charges. A Public Hearing is set for February 2, 2012 at 5 pm in the Common Council Chambers, 2nd Floor of City Hall, 41 City Hall Place, Plattsburgh, NY.

By Councilor Case; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves two Police Officers to attend the "Law Enforcement Active Shooter Response Course" in Oriskany, NY from February 7- 8, 2012 at a cost not to exceed \$324 and will be expensed to the Asset Forfeiture account (DOJ).

By Councilor Calnon; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves two Police Officers to attend the “Active Shooter Response for Executive Level Policy Makers Training” in Oriskany, NY from March 13 - 14, 2012 at a cost not to exceed \$284 and will be expensed to the Asset Forfeiture account (DOJ).

By Councilor Calnon; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from Dave Powell, Chief Plant Operator WPCP that Contract # 2011-26 “Liquid Alum” be awarded to Thatcher Company of NY for a total cost of \$8,957.52.
2. Request from Dave Powell, Chief Plant Operator WPCP that Contract # 2011-25 “15% Sodium Hypochlorite – Trade solution for Water Pollution Control Plant and Water Filtration Plant be awarded to Surpass Chemical Company, Inc for a total cost of \$81,450.
3. Request from Dave Powell, Chief Plant Operator WPCP that Contract # 2010-1 “Laboratory service Water Pollution Control Plant” be extended until March 31, 2013 and that the Mayor be authorized to execute the necessary documents.
4. Request from Police Chief Desmond Racicot for one Fire Fighter to attend the “NYS Academy of Fire Science” in Montour Falls, NY from March 5 – May 17, 2012 at a cost not to exceed \$3000.
5. Request from Sunrise Rotary and CVPH to establish a route from the CVPH entrance on Beekman Street, turning right on to Cornelia Street traveling up to the CVPH Cornelia Street entrance for a horse and wagon ride during a Winter Carnival on Saturday, February 4, 2012 from Noon – 3 pm. The Rotary Organization is the Insurance holder.
6. Request from Jon Ruff Environmental Manager for Extra Work Order for CHA to perform a Bathometric Survey of Westbrook 1 in the amount not to exceed \$4,500 and that the Mayor be authorized to execute all necessary paperwork.

10. NEW BUSINESS:

Councilor Tiffer said he wanted to thank the Municipal Lighting Department workers on Saturday we had a major power outage.

Councilor Carpenter said I was asked by several people to thank specifically the gentlemen that collected the Garbage Wednesday morning the wind was atrocious. Everyone that called me the garbage cans were dumped and then brought and put up next to the houses instead of left out front. I know it took these gentlemen extra time to do that. It just shows we have some very conscientious and good workers in the City. So thank you very much.

11. CLOSING PUBLIC COMMENTS:

Jennifer Colver presented each Councilor with a pocket size copy of the constitution.

Mike Kelly said I just wanted to say thank you very much for passing this year's budget I know it was a hard thing for you to do. And thank you so much for supporting the Library, good job **Tim Carpenter**.

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

MEETING ADJOURNED: 5:55 pm

Statement before the Plattsburgh Common Council
From Jennifer Colver, Citizen
Ward 6-1, Plattsburgh
January 19, 2012

It now costs millions of dollars to run for Congress in this district. Obviously, New York's 23rd is not a wealthy district. That kind of money doesn't come from us.

Last fall, thousands and thousands of dollars were spent to buy television ads for candidates running for seats on our County Legislature. A few people at this table have bought television time for city races. We used to think such local contests were decided by wearing out shoe leather in the district - not anymore, and running for office is getting more expensive every year.

How much more expense will it take to get some of you to give up?
How many fully qualified citizens will not run for these seats because it is simply too expensive and being in debt to others for the office held just doesn't sit well with them?

The fact is that a radicalized Supreme Court in Washington has ruled that money is speech and that corporations are people whose speech is protected by the First Amendment. This guarantees that only the 1% are wealthy enough to decide who gets to run and who gets to win elections in the United State of America.

Make no mistake about it this is a local issue. The Koch brothers, the most famous of the corporate election funders, have used their wealth to run candidates for school board and county legislator in South Carolina near one of their plants. They also own Georgia Pacific here. They have an interest in the city of Plattsburgh and the county of Clinton. Are they already training potential local candidates at their seminars? I don't know. Some of you may be able to answer that better than I

We citizens need to take back our democracy. It's ours and we cannot give in to the cynicism that says "There is nothing I can do." We start by talking back and assembling as the Bill of Rights empowers us to do. This is everybody's fight and to bow out at this time is to give up our democracy. It is not an appropriate response from any representative of the people.

The Progressive Coalition of Northern New York is encouraging a constitutional amendment to remedy this state of affairs. It can be started in either the states or the Congress and we ask you to pass a resolution in this body supporting the effort. It will only happen with a groundswell from the grass roots. That's you and me. If you have another idea of how to fix this, please let us know, but do not sit here and do nothing. Our democracy needs you to act now.

We also ask you to join us tomorrow January 20 between 11:30 and 1:30 at the Corner of Broad and Durkee Streets to publically demonstrate our support for this effort in front of Congressman Owens' office.

Thank you for you time and attention to this matter.

Jen Colver
PCNNY

I stand here today to urge this council to consider passing a resolution opposing the 2 year old Supreme Court ruling in Citizens United vs Federal Election Commission.

In Portland Maine in the Portland Press Herald today the headline of one story read: [Portland councilors support an end to 'corporate personhood'](#)

Their resolution urges Maine's delegation in Congress to limit how money influences politics.

the opening lines of the story were
- Members of the City Council took a stand Wednesday night against corporations being given the same rights as individuals.

After hearing more than an hour of testimony, the council voted 6-2 in support of a nonbinding resolution calling on Maine's congressional delegation to support an amendment to the U.S. Constitution abolishing

"corporate personhood."

Los Angeles passed a similar resolution December 6th, NYC January 4th. About 50 cities now including our own capitol Albany have passed resolutions in opposition corporate personhood and unlimited corporate spending on elections.

They have rejected the Supreme Court ruling that money is speech.

Tomorrow, from Maine to Florida and Washington to Texas there will be many occupations of Federal courthouses across the country, **including the U.S. Supreme Court** in Washington, D.C.,

Locally, there will be a gathering outside of Representative Owens office from 11:30 to 1:30. People care about this issue because it's an issue of huge national consequence, and of course it's an issue of local consequence. This council is our local voice, and literally our democracy is on the line. Please carefully consider our request and I hope you will not end up on the wrong side of Plattsburgh and our nation's history. Unfortunately there is no middle of the road on this, your actions will either be in support, or not in support, which in effect supports the status quo.

As long as there are elections in this country, this will be a local issue.

William Provost
90 Court Street
Plattsburgh NY

City of Albany Resolution Opposing Corporate Personhood

WHEREAS, government of, by, and for the people has long been a cherished American value, and We The People's fundamental and inalienable right to self-govern, and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the US Constitution and the Declaration of Independence, and;

WHEREAS, free and fair elections are essential to democracy and effective self-governance, and;

WHEREAS, persons are rightfully recognized as human beings whose essential needs include clean air, clean water, safe and secure food, and;

WHEREAS, corporations are entirely human-made legal fictions created by express permission of We The People and our government, and;

WHEREAS, corporations can exist in perpetuity, can exist simultaneously in many nations at once, need only profit for survival, and exist solely through the legal charter imposed by the government of We The People, and;

WHEREAS, in addition to these advantages, the great wealth of large corporations allows them to wield coercive force of law to overpower human beings and communities that can affect We The People's exercise of our Constitutional rights, and;

WHEREAS, in the 1886 Supreme Court decision in Santa Clara vs. Southern Pacific Railroad, the United States Supreme Court ruled that only certain, specified rights for "persons" can be extended to corporations, and this decision has been the basis for corporate personhood for more than one hundred years, until the Citizens United decision in 2010, and;

WHEREAS, in the dissenting opinion in the Citizens United decision, Justice Stevens wrote that, ". . . in a variety of contexts, we have held that speech can be regulated differentially on account of the speaker's identity, when identity is understood in categorical or institutional terms." The dissent concludes that ". . . the Court's opinion is thus a rejection of the common sense of the American people", and;

WHEREAS, in response to the Citizens United decision, United States Senator Charles Schumer introduced legislation to ban foreign-controlled corporations and government contractors from making political expenditures and also requiring disclosure of donors to organizations making political expenditures, and;

WHEREAS, corporations are not and have never been human beings, and therefore are rightfully subservient to human beings and governments as our legal creations, and;

WHEREAS, the recent Citizens United v. the Federal Election Commission Supreme Court decision that rolled back the legal limits on corporate spending in the electoral process creates an unequal playing field and allows unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes, and forces elected officials to divert their attention from The Peoples' business, or even vote against the interest of their human constituents, in order to ensure competitive campaign funds for their own re-election, and;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany states its support for the Move to Amend campaign relating to corporate personhood as decided in Citizens United v. Federal Election Commission and calling on Congress to pass legislation limiting corporate personhood to its historic parameters as decided by the U.S. Supreme Court in Santa Clara vs. Southern Pacific Railroad.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to United States Senators Charles Schumer and Kirstin Gillibrand and United States Representative Paul Tonko.